



2019 SENATE BILL 133

March 20, 2019 - Introduced by Senators KOOYENGA, FITZGERALD, JACQUE, CRAIG, OLSEN and NASS, cosponsored by Representatives SANFELIPPO, HUTTON, VINING, BALLWEG, BORN, DUCHOW, GUNDRUM, JAGLER, KERKMAN, KITCHENS, KNODL, KUGLITSCH, KULP, KURTZ, MURPHY, MURSAU, NOVAK, OTT, PETERSEN, RODRIGUEZ, ROHRKASTE, SPIROS, STUCK, SUBECK, THIESFELDT, TITTL, VORPAGEL and WICHGERS. Referred to Committee on Public Benefits, Licensing and State-Federal Relations.

1 **AN ACT** *to renumber* 460.17; *to amend* 460.15; and *to create* 460.14 (4) and
2 460.17 (2) of the statutes; **relating to:** violations of the law relating to the
3 practice of massage therapy or bodywork therapy and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, subject to certain exceptions, no person may provide massage therapy or bodywork therapy, designate himself or herself as a massage therapist or bodywork therapist or masseur or masseuse, or use or assume any title or designation that represents the person as a massage therapist or bodywork therapist unless the person is licensed as a massage therapist or bodywork therapist by the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board.

This bill does all of the following with respect to the practice of massage therapy or bodywork therapy:

1. Specifically authorizes a city, village, or town (municipality) to enact and enforce an ordinance prohibiting a person from violating the prohibitions described above unless the person is licensed by the board. The bill authorizes municipalities to impose forfeitures of up to \$1,000 for ordinance violations.

2. Allows the board, in addition to or in lieu of professional discipline or certain other actions that may be taken by the board against a person who violates certain prohibitions relating to massage therapy or bodywork therapy, to assess a forfeiture of not more than \$1,000 for each separate offense.

3. Adjusts the penalty for violating provisions under state law relating to massage therapy and bodywork therapy, including practicing without the required

SENATE BILL 133

license, to a criminal fine of not more than \$1,000 for each violation or imprisonment for not more than 90 days, or both. Under current law, the penalty is a civil forfeiture of up to \$1,000.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 460.14 (4) of the statutes is created to read:

2 460.14 (4) The affiliated credentialing board may, in addition to or in lieu of a
3 reprimand or revocation, limitation, suspension, or denial of a license, assess against
4 a person who has done anything specified under sub. (2) (a) to (j) a forfeiture of not
5 more than \$1,000 for each separate offense. Each day of continued violation
6 constitutes a separate offense.

7 **SECTION 2.** 460.15 of the statutes is amended to read:

8 **460.15 Penalty.** Any person who violates this chapter or any rule promulgated
9 under this chapter ~~shall forfeit~~ may be fined not more than \$1,000 for each violation
10 or imprisoned for not more than 90 days, or both.

11 **SECTION 3.** 460.17 of the statutes is renumbered 460.17 (1).

12 **SECTION 4.** 460.17 (2) of the statutes is created to read:

13 460.17 (2) (a) A city, village, or town may enact and enforce an ordinance that
14 prohibits an individual from violating the prohibitions under s. 460.02 unless the
15 individual is licensed under this chapter as required under s. 460.02.

16 (b) Law enforcement personnel of a city, village, or town may issue citations for
17 violations of a local ordinance described in par. (a), and the city, village, or town may

